

REMARKS

Claims 1-19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Runje et al. '312 ("Runje") in view of Clark '280 ("Clark"). This rejection is respectfully traversed for the following reasons.

The Examiner has maintained the pending rejection by alleging that the "without user authentication" capability is not presented in the claims. However, it is respectfully submitted that the "without user authentication" capability of the present invention is a result that naturally flows from the claimed invention, and is not necessary to distinguish over the cited prior art. The *mutual verification* capability that can be performed as embodied by the claims distinguishes the present invention over the cited prior art. The Applicants' prior discussion (in response filed on September 2, 2004) regarding the "without user authentication" capability simply evidenced the beneficial results that can be achieved by the present invention as claimed.

For example, a user can pay the required fee to receive the license by simple manipulation such as at a ticket-vending machine. Accordingly, the license issuing device can be independent from the information network, and neither user authentication nor an administration center is needed. Further, having for example *a verification function in the license storing device* can protect against fraudulent license issuing devices attempting to issue false licenses to collect fees (*see, e.g.*, page 19, lines 12-15 of Applicant's specification). Similarly, the license storing device and contents reproducing device can also perform mutual authentication.

In contrast, Runje discloses a Secure Transaction Server ("STS") used for authenticating users and managing licenses (*see, e.g.*, claim 1, paragraph [0093]), and does not disclose the mutual verification capability in the manner embodied by the claims. The disclosed KeyCard of Runje contains user information (*see* paragraph [0108]), whereby the user must perform individual

authentication by inputting a PIN at a terminal connected to the STS to receive a license. Clark, on the other hand, is relied upon only for allegedly disclosing a one-way verification means of a license issuing device and is NOT relied upon for the verification function of the license storing device.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in the pending claims because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

In order to help expedite prosecution, the independent claims have been amended to clarify the mutual verification and the "without user authentication" capabilities which can be realized by the present invention. It is respectfully submitted that the amendment does not raise new issues that

would require further consideration and search, but simply emphasizes the previously submitted arguments that the mutual verification capability embodied in the claims can make it possible not to need authentication of the user. Accordingly, it is respectfully requested that the enclosed amendment be entered and considered as placing the application in clear condition for allowance.

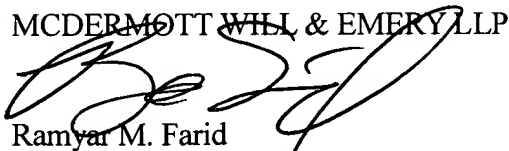
CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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